

OWASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 8693

IN THE MATTER OF:

Served May 10, 2005

Application of ALI ZOHERY,)
Trading as ZOHERY TOURS, for a)
Certificate of Authority --)
Irregular Route Operations)

Case No. AP-2005-45

By application accepted for filing March 16, 2005, Ali Zohery, a sole proprietor trading Zohery Tours, seeks a certificate of authority for irregular route operations between points in the Metropolitan District.

Applicant proposes commencing operations with two motorcoaches. Applicant's proposed tariff contains individual ticket rates for regular tours and an hourly rate for private tours.

Applicant previously conducted passenger carrier operations in the Metropolitan District through Zohery Tours International, Inc. (ZTI). ZTI held WMATC Certificate of Authority No. 362 from October 25, 1996, until January 21, 2003, when it was revoked for respondent willful failure to comply with the 15-person vehicle seating capacity restriction in Certificate No. 362.¹

When a person controlling an applicant has a record of violations, or a history of controlling companies with such a record, the Commission considers the following factors in assessing the likelihood of applicant's future compliance: (1) the nature and extent of the violations, (2) any mitigating circumstances, (3) whether the violations were flagrant and persistent, (4) whether the controlling party has made sincere efforts to correct past mistakes, and (5) whether the controlling party has demonstrated a willingness and ability to comport with the Compact and rules and regulations thereunder in the future.²

Applicant will be directed to file a notarized statement explaining why the Commission should find applicant fit as to regulatory compliance considering that ZTI's website still advertises tours and transportation in the Washington Metropolitan Area and that ZTI apparently has applied for federal authority to operate a motorcoach listed in this application.

Applicant also will be directed to furnish copies of his and ZTI's financial records since 2002.

¹ In re Zohery Tours Int'l, Inc., No. MP-02-46, Order No. 7005 (Jan. 21, 2003), aff'd on reconsideration, Order No. 7096 (Mar. 19, 2003).

² In re VGA, Incorporated, No. AP-03-73, Order No. 7496 (Oct. 29, 2003).

This proceeding is hereby initiated to determine whether applicant is fit and whether the proposed transportation is consistent with the public interest.

THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than May 25, 2005, notice in the form prescribed by the staff of the Commission.

2. That applicant shall file with the Commission, no later than June 8, 2005, an affidavit that notice has been published as required in the preceding paragraph.

3. That applicant shall file with the Commission, no later than June 8, 2005, a notarized statement explaining why the Commission should find applicant fit as to regulatory compliance considering that the website of Zohery Tours International, Inc. (ZTI), still advertises tours and transportation in the Washington Metropolitan Area Transit District and that ZTI apparently has an application pending before the Federal Motor Carrier Safety Administration to operate one of the motorcoaches listed in this application.

4. That applicant shall file with the Commission, no later than June 8, 2005, copies of applicant's and ZTI's financial records for 2003, 2004, and 2005 year to date, including but not limited to income and property tax returns, bank statements and motor vehicle insurance policy applications.

5. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing, is June 8, 2005, and that copies must be served on applicant's attorney, Aragaw Mehari, Esquire, 1010 Vermont Avenue, N.W., Suite 717, Washington, DC 20005.

FOR THE COMMISSION:



William S. Morrow, Jr.
Executive Director